

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-782-T - ORDER NO. 91-144 ✓

February 28, 1991

IN RE: The matter of the failure of certain)
holders of Certificates of Public)
Convenience and Necessity listed on) ORDER
the attached Appendix to file evidence)
of insurance.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of Commission Order No. 90-1184 in the instant Docket, which required all motor vehicle carriers listed in the Appendix thereof to appear before the Commission on Tuesday, February 5, 1991, at 11:30 A.M., to show cause why the Commission should not revoke and cancel their Certificates for violation of the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law of South Carolina in respect of failure to file evidence of insurance.

The information upon which the Commission based Order No. 90-1184 was developed by the Licensing Department of the Transportation Division through a procedure involving periodic inspections of the Commission's files and records. From this data, the Commission Staff developed a list of motor carriers operating in violation of the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law (Appendix of Order No. 90-1184).

The Transportation Division staff notified all of the carriers listed in the Appendix of Order No. 90-1184 that because of their failure to file evidence of insurance, they were not in compliance "with the terms of the Motor Vehicle Carrier Law of South Carolina, and the Rules and Regulations issued thereunder." Subsequently, on December 31, 1990, the Commission issued Order No. 90-1184 setting a Rule to Show Cause hearing for those motor carriers who had not responded to the prior notifications of noncompliance.

A public hearing regarding this matter was held on Tuesday, February 5, 1991, at 11:30 A.M. Gayle B. Nichols, Staff Counsel, represented the Commission Staff. None of the Respondents named in the Appendix of Order No. 90-481 appeared at the hearing. Rosa Stephens, Chief of the Licensing Division of the Commission, testified for the Commission Staff.

With respect to all the Respondents listed in the Appendix attached hereto, the Commission is of the opinion, and so finds, that the Certificates of Public Convenience and Necessity held by all listed carriers should be revoked and cancelled for their continued willful violation of the Commission's Rules and Regulations and/or the South Carolina Motor Vehicle Carrier Law [S.C. Code Ann., §58-23-10 et seq. (1976)].

The Commission also finds that the Rule to Show Cause should be dismissed as to the carriers who have complied with the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:


1. That the Certificates of Public Convenience and Necessity held by those motor vehicle carriers listed in the Appendix attached hereto be, and hereby are, revoked and cancelled.

2. That all operating rights authorized under the Certificates held by the carriers listed in the attached Appendix and cancelled by this Order are null and void.

3. That this Rule be, and hereby is, dismissed with respect to all carriers who have complied with the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)